



11/19/04

DAEW  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/823,435  
Applicant: UHRICH et al.  
Filed: April 12, 2004  
Art Unit: 1615  
Examiner: Unknown  
Title: MEDICAL DEVICES EMPLOYING  
POLYMERS OF SPECIFIC  
CHARACTERISTICS AND THEIR  
USES

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Tim Hubalik

Docket No.: 04271500  
Customer No.: 26565

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.78(A)(3) TO ACCEPT AN UNINTENTIONALLY  
DELAYED CLAIM UNDER 35 U.S.C. 120, 121, OR 365(C) FOR THE BENEFIT OF A  
FILED PRIOR COPENDING APPLICATION**

Dear Sir:

Applicants hereby petition, in accordance with § 1.78(a)(3), to claim the benefit, for this  
application under 35 U.S.C. ☒ 120 ☐ 121 ☐ 365(c),

☒ of prior copending nonprovisional application no.: 10/716,577

filing date: November 18, 2003

☐ of international application designating the U.S. no.: PCT/US03/36925

international filing date: November 18, 2003

11/22/2004 JBALINAN 00000039 10823435

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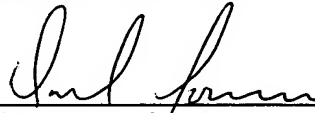
1370.00 OP

Applicants state that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date this claim is filed was unintentional.

The surcharge fee set forth in § 1.17(t) required by 37 C.F.R. 1.55(c)(1), is paid as follows:

- ☒ A check in the amount of \$1,370.00 is attached.
- ☒ Authorization is hereby made to charge any additional fees required by this paper or credit any overpayment o Deposit Account No. 13-0019.

Respectfully submitted,



David B. Fournier  
Reg. No. 51,696

Date: November 18, 2004

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